

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Oleg Tsaryov,

CASE NO. 08-44332 ess  
Chapter 7

DEBTOR.

JUDGE: Elizabeth S. Stong

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**ORDER GRANTING RELIEF  
FROM THE AUTOMATIC STAY**

Upon the Application dated December 5, 2008, (the "Application") of Chase Home Finance, LLC (the "Movant"), by its attorneys, Rosicki, Rosicki & Associates, P.C., seeking an Order: (i) modifying and terminating the automatic stay to permit the Movant to exercise all of its rights and remedies with respect to certain collateral consisting of the real property known as 47-21 Ditmars Boulevard, Astoria, NY 11105 (the "Premises"); (ii) waiving the ten (10) day stay pursuant to F.R.B.P. 4001(a)(3), and (iii) granting Movant such other and further relief as the Court deems just and proper; and

The Application having come before this Court to be presented for signature on December 29, 2008; and no opposition to the relief requested having been filed; and in consideration of the foregoing, and upon the affidavit of service filed with the Court, and after due deliberation, the relief requested appearing reasonable, proper and warranted in fact and by law under Section 362(d) of the Code to permit Movant to exercise all of its rights and remedies under applicable law with respect to the Premises, it is hereby

**ORDERED** that the Application of Movant is granted modifying the automatic stay to allow Movant, its successors and/or assigns, ~~to proceed with a foreclosure action and eviction proceeding~~ **to pursue its rights under applicable state law** with respect to the Premises; and it is further

**ORDERED** that Movant may obtain a determination of any deficiency due it, if allowed under state law, and may file a proof of claim as an unsecured creditor for any such deficiency awarded therein, and it is further

**ORDERED** that the Trustee be served with a copy of the referee's report of sale within thirty (30) days of the report; and it is further

**ORDERED** that the Trustee shall be notified of any surplus monies from the sale of the Premises; ~~and it is further~~

~~**ORDERED** that the stay invoked pursuant to F.R.B.P. 4001(a)(3) is waived and this order is effective upon the signing of this order.~~

Dated: **January 7, 2009**  
**Brooklyn,** New York

**s/Elizabeth S. Stong**  
Hon. Elizabeth S. Stong  
United States Bankruptcy Judge